

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claim 1 has been amended to recite that the food product is a frozen aerated product, based on page 4, line 6.

New claim 5 finds support at page 5, lines 1-4. New claims 6-8 find support at page 5, lines 6-10. New claim 9 finds support at page 5, lines 12-14. New claim 10 is supported at page 5, lines 14-16 respectively.

New claim 11 has been added to recite the "preferred" feature of claim 2, which has been deleted without prejudice. New claims 12-13 have been added to recite preferred features of claim 3, which have been deleted without prejudice.

The claims have also been amended to place them in better form for prosecution in the US.

The Office points to no teaching by Cornelius (US 3,233,779) of frozen confections. Therefore, the claims are novel and it is respectfully requested that the Section 102 rejection be withdrawn.

'779 is concerned with carbonated beverages, i.e., non-viscous liquids. The apparatus of '779 includes a hose through which the beverage is dispensed. Representative, non-limiting values for the hose would be typically 18 inches long with an internal diameter of 0.1 inches or slightly higher (col. 5, lines 20-35). The Office does not explain why this type of hose would be suitable for a viscous frozen confection. It is difficult to see how it would be possible to dispense the frozen confection through it. Therefore, '779

is incompatible with Malone (US 2003/0134024) and the Section 103 rejection should be withdrawn.

As to the new dependent claims, absent a teaching in '779 concerning the features of the new dependent claims relating to the insulation of the dispensing apparatus, the insulated casing, holding the containers vertically or the storage cabinet respectively, these claims should be allowed.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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